

ORDINANCE NO. 3921

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING INTERIM AMENDMENTS TO ZONING REGULATIONS THAT WOULD ALLOW PUBLIC MARKETS IN THE BC, BD AND CG ZONES, ESTABLISHING SIX MONTHS AS THE TENTATIVE EFFECTIVE PERIOD OF THE ORDINANCE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Edmonds only allows seasonal farmers markets to operate during the period between May and September, inclusive; and

WHEREAS, there has been interest expressed in having a public market operating any time of the year; and

WHEREAS, the city has been approached by an organization that would like to operate a farmers market in the BC or BD zone on days other than Saturdays; and

WHEREAS, the Edmonds Community Development Code does not expressly list farmers markets or public markets as a permitted use in the BC and BD zones; and

WHEREAS, the operation of a public market would not likely result in any long term changes in the physical appearance of the city; and

WHEREAS, the City desires to adopt zoning regulations that will allow public markets to operate in the BC and BD zones year round; and

WHEREAS, the Planning Board will be conducting a public hearing on these regulations, and will be transmitting its recommendation to the City Council, but not in time for the proposed market to open at the proposed time; and

WHEREAS, pursuant to RCW 36.70A.390, the City Council will also be conducting a public hearing on these interim zoning regulations either contemporaneously with or within sixty days of their adoption; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN
AS FOLLOWS:

Section 1. Definition of Public Market. A new section 21.80.103, entitled “Public Market,” is hereby added to the Edmonds Community Development Code to read as follows:

21.80.103 Public Market.

Public market shall mean an indoor and/or outdoor retail market open to the public consisting of two or more independent vendors, with each vendor operating independently from other vendors and subleasing booths, stalls or tables for the purpose of selling farm-grown or home-grown produce, food, flowers, plants or other similar perishable goods, and new wares, used goods or merchandise.

Section 3. Deletion of Definition of Seasonal Farmers’ Market. Section 21.90.009 of the Edmonds Community Development Code, entitled “Seasonal farmers’ market,” which reads as follows:

~~21.90.009 — Seasonal farmer’s market
Seasonal farmers’ market is a retail market specializing in the sale of farm grown or home grown produce, flowers, plants or other similar perishable goods. The market is seasonal use permitted only during the period between May and September, inclusive, of any given year. [Ord. 3103 § 2, 1996]~~

is hereby repealed.

Section 4. Community Business Zone Use Amendments. Section 16.50.010 of the Edmonds Community Development Code, entitled “Uses,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~striketrough~~):

16.50.010 Uses.

A. Permitted Primary Uses.

1. Single-family dwellings, as regulated in RS-6 zone;
2. Retail stores, offices and service uses, excluding intense uses, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment sales and services;
3. New automobile sales and service;
4. Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents;
5. Printing, publishing and binding establishments;
6. Bus stop shelters;
7. ~~Community-oriented open-air~~Public markets ~~conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code Chapter 4.90;~~

8. Multiple Dwelling Unit(s). This use may not be located on the ground floor of a structure;
9. Churches, subject to the requirements of ECDC 17.100.020;
10. Primary and high schools subject to the requirements of ECDC 17.100.050(G) through (R);
11. Local public facilities subject to the requirements of ECDC 17.100.050;
12. Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070;
- ~~13. Seasonal farmers markets.~~

B. Permitted Secondary Uses.

1. Limited assembly, repair or fabrication of goods incidental to a permitted or conditional use;
2. Off-street parking and loading areas to serve a permitted or conditional use;
3. Commuter parking lots in conjunction with a facility meeting the criteria listed under subsections (C)(11) through (14) of this section, except that the facility may also be located along a designated transit route in addition to an arterial or collector street.

C. Primary Uses Requiring a Conditional Use Permit.

1. Commercial parking lots;
2. Wholesale uses;
3. Hotels and motels;
4. Amusement establishments;
5. Auction businesses, excluding vehicle or livestock auctions;
6. Drive-in businesses;
7. Laboratories;
8. Fabrication of light industrial products;
9. Convenience stores;
10. Day-care centers;
11. Hospitals, convalescent homes, rest homes, sanitariums;
12. Museums, art galleries, zoos, and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033;
13. Counseling centers and residential treatment facilities for current alcoholics and drug abusers;
14. Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070.

D. Secondary Uses Requiring a Conditional Use Permit.

1. Outdoor storage, incidental to a permitted or conditional use;
2. Aircraft landings as regulated by Chapter 4.80 ECC.

Section 5. Community Business Zone Operating Restriction Amendments. Section 16.50.030 of the Edmonds Community Development Code, entitled “Operating restrictions,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strikethrough~~):

16.50.030 Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. ~~Seasonal farmers’~~ Public markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards.

C. Interim Use Status – Public Markets:

1. Unless a public market is identified on a business license as a year-round market within the City of Edmonds, a premises licensed as a public market shall be considered a temporary use. As a temporary use, the city council finds that any signs or structures used in accordance with the public market do not require design review. When a location is utilized for a business use in addition to a public market, the public market use shall not decrease the required available parking for the other business use below the standards established by Chapter 17.50 ECDC.

Section 6. Downtown Business Zone Use Amendments. Section 16.43.020 of the Edmonds Community Development Code, entitled “Uses,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strikethrough~~):

16.43.020 Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices	A	A	A	A	A
Service uses	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open-air Public markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code <u>Chapter 4.90</u> .	A	A	A	A	A
Seasonal farmers markets	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC <u>17.100.050</u> (G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A

Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in businesses	C	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

A = Permitted primary use

B = Permitted secondary use

C = Primary uses requiring a conditional use permit

D = Secondary uses requiring a conditional use permit

X = Not permitted

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

- a. Architectural features or details;
- b. Artwork;
- c. Landscaping.

Section 7. Downtown Business Zone Operating Restriction Amendments. Section 16.43.040 of the Edmonds Community Development Code, entitled “Operating restrictions,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strikethrough~~):

16.43.040 Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

- 1. Public uses such as utilities and parks;
- 2. Off-street parking and loading areas, and commercial parking lots;
- 3. Drive-in businesses;
- 4. Plant nurseries;
- 5. Seasonal farmers’~~Public~~ markets;
- 6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 EC
- 7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
- 8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards.

C. Interim Use Status - Public Markets:

1. Unless a public market is identified on a business license as a year-round market within the City of Edmonds, a premises licensed as a public market shall be considered a temporary use. As a temporary use, the city council finds that any signs or structures used in accordance with the market do not require design review. When a location is utilized for a business use in addition to a public market, the public market use shall not decrease the required available parking for the other business use below the standards established by Chapter 17.50 ECDC.

Section 8. General Commercial Zone Use Amendments. Section 16.60.040.A of the Edmonds Community Development Code, entitled “Operating restrictions,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~striketrough~~):

16.60.040 Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except the following:

1. Public utilities;
2. Off-street parking and loading areas;
3. Drive-in business;
4. Secondary uses permitted under ECDC 16.60.010(B);
5. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
6. ~~Community-oriented open-air~~Public markets ~~or seasonal farmers markets~~;
7. Outdoor dining meeting the criteria of Chapter 17.75 ECDC;
8. Motorized and nonmotorized mobile vending units meeting the criteria of Chapter 4.12 ECC. [Ord. 3902 § 5, 2012; Ord. 3635 § 1, 2007].

B. Interim Use Status - Public Markets:

1. Unless a public market is identified on a business license as an year-round market within the City of Edmonds, a premises licensed as a public market shall be considered a temporary use. As a temporary activity, the city council finds that any signs or structures used in accordance with the market do not require design review. When a location is utilized for a business use in addition to a public market, the public market use shall not decrease the required available parking for the other business use below the standards established by Chapter 17.50 ECDC.

Section 9. Purpose. The purpose of the adoption of this interim zoning ordinance is to establish the development regulations that will allow public markets to operate in the BC, BD and CG zones while the Planning Board holds a public hearing, gains public input on this issue, provides a recommendation to Council, and the Council considers the final version of the ordinance on this subject.

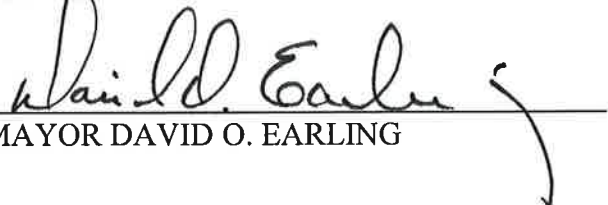
Section 10. Duration of Interim Zoning Ordinance. The City Council shall hold a public hearing on the Interim Zoning Ordinance within 60 days of adoption and shall adopt findings of fact justifying this Interim Zoning Ordinance no later than immediately after that hearing. This Ordinance shall only be effective for six (6) months from the effective date.

Section 11. Duration of Public Market. No public market established pursuant to this interim ordinance shall have a duration longer than six (6) months.

Section 12. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 13. Effective Date. This ordinance being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.


APPROVED:


MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	05-17-2013
PASSED BY THE CITY COUNCIL:	05-21-2013
PUBLISHED:	05-26-2013
EFFECTIVE DATE:	05-31-2013
ORDINANCE NO. <u>3921</u>	

SUMMARY OF ORDINANCE NO. 3921

of the City of Edmonds, Washington

On the 21st day of May, 2013, the City Council of the City of Edmonds passed Ordinance No. 3921. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING INTERIM AMENDMENTS TO ZONING REGULATIONS THAT WOULD ALLOW PUBLIC MARKETS IN THE BC, BD AND CG ZONES, ESTABLISHING SIX MONTHS AS THE TENTATIVE EFFECTIVE PERIOD OF THE ORDINANCE, AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 22nd day of May, 2013.



CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

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of the City of Edmonds, Washington
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The full text of this Ordinance will be mailed upon request.
DATED this 22nd day of May, 2013.
CITY CLERK, SANDRA S. CHASE
Published: May 26, 2013.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3921

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

May 26, 2013

and that said newspaper was regularly distributed to its subscribers during all of said period.

Karen E. Zorn

Principal Clerk

Subscribed and sworn to before me this

27th

day of May, 2013

Diana Hendrix

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

